

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

TROY WHITMORE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04-cv-837-JPG
)	
DONALD SNYDER, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Troy Whitmore's Motion to Sever (Doc. 150). The Court notes that the motion is expressly unopposed by all remaining Defendants except Defendant Lieutenant Moore, who has yet to appear in this matter and had default entered against him on February 1, 2008.

Being fully advised of the premises, the Court **GRANTS** the instant motion (Doc. 150), **ORDERS** that Moore be severed from all remaining Defendants, and **REFERS** this matter, as to all Defendants except Moore, to Magistrate Judge Clifford J. Proud for further proceedings, including but not limited to ruling on the pending Motion to Reopen Discovery (Doc. 144) and presiding over trial. *See* 28 U.S.C. § 636 (2006); S.D. Ill. L. R. 72.2(b)(3). As discussed *infra*, Magistrate Proud shall not order or direct any judgment. Further, the Court temporarily **STAYS** this matter as it relates to Moore, including ruling on the Motion for Default Judgment (Doc. 92), until liability is determined as to all other Defendants.

Following trial, Magistrate Judge Proud shall prepare a Report and Recommendation ("R & R") as to the default judgment motion, Moore's liability (which hinges on the liability of his subordinates (*see* Doc. 122)), and final judgment. This Court will then enter final judgment based on resolution of the trial and the R & R.

IT IS SO ORDERED.
DATED: February 17, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE